

Practitioner's Docket No. 1719-65

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: CARTELLA, Pietro

Application No.: 10 / 658784 Group No.: 3612

Filed: 9 Sep 2003

Examiner: Coleta, L.L.

For: STRUCTURE FOR THE FRONT OF A VEHICLE, OF THE TYPE WITH
CONTROL OF THE DEFORMATION OFR THE SAFEGUARD OF THE
Box DAC PEDESTRIAN

Assistant Commissioner for Patents

Washington, D.C. 20231

ATTENTION: Petition Information

Crystal Park One, Suite 520

(M.P.E.P. § 1002.02(b), 7th ed.)

PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY UNDER
37 C.F.R. § 1.137(b)

NOTE: "In a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995, any petition to revive pursuant to this section must be accompanied by a terminal disclaimer and fee as set forth in § 1.321 dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application. Any terminal disclaimer pursuant to this paragraph must also apply to any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application for which revival is sought. The provisions of this paragraph do not apply to lapsed patents." 37 C.F.R. § 1.137(c).

NOTE: In accordance with the Notice of November 5, 1990 (1121 O.G. 6), an application abandoned under 37 C.F.R. § 1.53(d) for failure to timely provide the appropriate filing fee, oath or declaration and/or surcharge may be revived under the procedure of 37 C.F.R. § 1.137(b).

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☐ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 *

☐ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Signature

John S. Egbert

(type or print name of person certifying)

Date: _____

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Petition for Revival of Unintentionally Abandoned Application [11-3]—page 1 of 3)

1. This application became abandoned on 26 Nov 2004

NOTE: Extensions under 37 C.F.R. § 1.136 are available only if asked for "prior to or with the response." Accordingly, if the question of abandonment arises when the provisions of § 1.136 can no longer be used, then the application is abandoned when the unextended time for response expired. Therefore, no extension fees are due on a petition for revival. Thus: An application which is abandoned for failure to respond within a set period with no extension fee having been paid, would not require the payment of extension fees as a condition for revival. M.P.E.P. § 711.03(c), 6th ed., rev. 2.

2. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of this petition was unintentional 37 C.F.R. § 1.137(b)(3).

3. Response or action required

☐ has been filed.

☒ is attached.

(complete the following, if applicable)

NOTE: The PTO accepts the filing of a continuing application as a response under 37 C.F.R. 1.137. To facilitate processing in such a case, the petition to revive should specifically refer to the filing of a continuing application and also include an express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application. Notice of May 13, 1983, (1031 O.G. 11-12). See also M.P.E.P. § 711.03(c), 6th ed., rev. 2. "In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof." 37 C.F.R. § 1.137(b)(1).

☐ The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application copending with this application.

4. Fee (37 C.F.R. 1.17(m))

Application status is:

☐ Small business entity—fee \$640.00

☐ A statement is attached.

☐ A statement was filed.

☒ Other than small entity—fee ~~\$1,280.00~~ 1500

5. Payment of fee

☒ Authorization is hereby made to charge the amount of

☐ \$620.00. ☒ ~~\$1,280.00~~ 1500

☐ to Deposit Account No. _____

☒ to Credit Card as shown on the attached credit information authorization form PTO-2038.

A duplicate of this petition is attached.

WARNING: Credit card information should **not** be included on this form as it may become public.

(complete the following, if applicable)

- ☐ Because this petition is more than 3 months after the date the Office first notified the applicant that the application is abandoned, applicant additionally submits a showing as to how the delay between the date the applicant was first notified that the application is abandoned and the filing of this petition under 37 C.F.R. § 1.134(b) was unintentional. 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997).
- ☐ Because this petition is more than 1 year after the date of abandonment of the application, applicant additionally submits further information as to when applicant (or applicant's representative) first became aware of the abandonment of the application, and a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant (or applicant's representative). 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997).

Date: _____

Signature of person making statement
that abandonment was due to an unintentional delay

(type or print name of person making statement)

Residence of person making statement

Reg. No.: 30,627

Tel. No.: (713) 224-8080

Customer No.: 24106

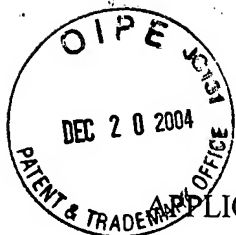
SIGNATURE OF PRACTITIONER

John S. Egbert

(type or print name of practitioner)

412 Main St., 7th Floor
Houston, Texas 77002

P.O. Address



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: CARTELLA, Pietro

SERIAL NO.: 10/658,784

ART UNIT: 3612

FILED: September 9, 2003

EXAMINER: Coleta, L. L.

TITLE: STRUCTURE FOR THE FRONT OF A VEHICLE, OF THE TYPE WITH CONTROL OF THE DEFORMATION FOR THE SAFEGUARD OF THE PEDESTRIAN

PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.137(b), the following is a statement of delay caused by unintentional circumstances.

1. The present application was filed on September 9, 2003 as a non-provisional patent application, claiming convention priority from an Italian patent application.
2. A non-final Office Action was mailed on May 26, 2004, having a three-month shortened statutory period for reply.
3. Applicant did not file a response to the Office Action.
4. The Application was constructively abandoned as of November 26, 2004, the last day to respond to the Office Action within the six month statutory period of response.
5. A Notice of Abandonment has not yet been received.

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6. The present petition is less than three months after the date the U.S. Patent and Trademark Office received the notice of abandonment because no notice has been sent.
7. The present petition is less than one year after the date of actual abandonment by the U.S. Patent and Trademark Office.
8. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

Applicant petitions for revival based upon unintentional delay, and Applicant has included a proper response, comprising an Amendment A attached hereto. Applicant files the required reply to secure revival of the patent application for consideration by an Examiner.

The present Petition for Revival is less than one year of the actual abandonment and less than three months after receiving notice of Abandonment. The entire period of delay, until the filing of the present grantable petition, was unintentional.

Applicant respectfully requests granting the Petition to Revive because the Applicant never intended for the application to be abandoned. Applicant respectfully contends that the application is now in a proper condition for examination. The government fee of \$1500 is attached.

Date 12.10.04

Respectfully submitted,

John S. Egbert
Reg. No. 30,627
Attorney for Applicant
Harrison & Egbert
412 Main Street, 7th Floor
Houston, Texas 77002
(713)224-8080
(713)223-4873 (Fax)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: CARTELLA, Pietro

SERIAL NO.: 10/658,784

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TITLE: STRUCTURE FOR THE FRONT OF A VEHICLE, OF THE TYPE WITH CONTROL OF THE DEFORMATION FOR THE SAFEGUARD OF THE PEDESTRIAN

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached correspondence comprising:

PETITION FOR REVIVAL OF AN APPLICATION (37 C.F.R. § 1.137(b))


is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

on 12-13-04.

12-13-04
Date

Respectfully submitted,



John S. Egbert
Reg. No. 30,627
Attorney for Applicant
Harrison & Egbert
412 Main Street, 7th Floor
Houston, Texas 77002
(713)224-8080
(713)223-4873 fax